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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,658	04/10/2000	Rick A. Briggs	BRIGGS.011CP1	2398

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EXAMINER

WHITE, CARMEN D

ART UNIT PAPER NUMBER

3714

12

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/545,658

Applicant(s)

BRIGGS ET AL.

Examiner

Carmen D. White

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 33-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 2, 2003 has been entered.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33-41 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabai (6,352,478) in view of Briggs ('048) or Briggs ('197), further in view of Tillery et al (5,114,155).

Regarding claims 33-36 and 38-40, Gabai teaches the limitations of the interactive gaming system for entertaining one or more play participants as discussed in detail in the previous office action (paper #9), which is incorporated herein by reference. As discussed in the prior office action, Gabai teaches a portable indicium for uniquely identifying a play participant and the storage of the player tracking information {prior game play data} and identification information within the gaming system (Fig. 67A; Fig. 69; Fig. 71; col. 5, lines 35-38). However, Gabai is silent regarding the disclosure of

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storing tracked data on the portable indicium. In an analogous interactive gaming system, Tillery teaches the actual storage of player progress data and identification data on a portable indicium (lines 12-17 of abstract; Fig. 1, #60 and #45; player card readers #45 read and write to the player cards- col. 4, lines 42-46). Also, this feature of Tillery allows for the access and determination of player progress data with or without a central network because the progress data is stored on the card. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature disclosed by Tillery in Gabai to provide additional security in the storage of the player's game data. This would help to prevent unauthorized persons from tampering/altering the player's scores. While Gabai teaches various play structures in an interactive gaming system for entertainment, Gabai is silent on a play structure that comprises at least an upper level and lower level and at least one slide for facilitating one-way traffic from said upper level to the lower level. In an analogous amusement park play facility gaming system, Briggs ('197) or Briggs ('048) teaches this feature of a slide (Briggs '197- abstract; Fig. 1; Briggs '048- Fig. 1; col. 2, lines 25-33). It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the play structures of Briggs ('197 and '048) in the amusement system of Gabai to provide a greater variety of entertainment; thereby increasing participation and sales at the gaming site.

Regarding claims 37, Gabai in view of Briggs ('197) or Briggs ('048), further in view of Tillery, teaches all the limitations of the claim as discussed above. Tillery further teaches a display {i.e. scoreboard} for displaying participants' standings/progress (last

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sentence of abstract). It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the scoreboard of Tillery in Gabai to make it easier for participants to compare their progress to others. This would increase excitement and anticipation for playing the game.

Regarding claims 41 and 51, Gabai in view of Briggs ('197) or Briggs ('048), further in view of Tillery, teaches all the limitations of the claim as discussed above. Briggs ('197) or Briggs ('048) further teaches the feature of bridging two or more play modules with a slide, rope bridge, trolley, swing, cargo net or ladder (Briggs '197-Fig. 1; Briggs '048- Fig. 1).

Claims 42-50 and 52-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabai (6,352,478) in view of Tillery et al (5,114,155).

Regarding claims 42-46, 48-50, 52-53, 55 and 57-58, Gabai teaches all the limitations of the claims as discussed above and in the prior office action, which is incorporated herein by reference (see above). Also, discussed above, Tillery teaches the features of a portable read/write electronic information storage and retrieval system (see above for the teaching/motivation).

Regarding claim 47, Gabai and Tillery teach all the limitations of the claim as discussed above. Tillery further teaches at least one reader device being located at a remote location that is not on a common network {the player card reader #45 of Tillery is located at each dart game site- see Fig. 1}.

Regarding claim 54, Gabai and Tillery teach all the limitations of the claims as discussed above. The references lack the teaching of the playing environments not

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being connected by a network. However, the examiner takes notice that it is well known in the art to have playing environments not connected by a network. It would have been obvious to a person of ordinary skill in the art at the time of the invention to allow the game apparatuses of Gabai or Tillery to operate independent of the network in cases of system failure. The gaming apparatuses of Gabai and Tillery are functionally capable of providing gaming services independent of the network. The connection to the network is merely to provide competitive/tournament type games with other players.

Regarding claim 56, Gabai and Tillery teach all the limitations of the claims as discussed above. While Gabai and Tillery teach the feature of the portable indicium, the references are silent regarding it being embodied in the form of a toy. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Gabai and Tillery to incorporate these features to increase participation by small children who would be enticed by the toy. This would merely involve connecting the tag and or magnetic features of the Gabai and Tillery games to a small toy that is popular and favored by children.

***Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thompson (6,129,549) teaches a scoreboard for displaying scores/progress of game participants.

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***Examiner's Response to Applicant's Remarks***

Applicant's arguments are moot in light of the new grounds of rejection. The examiner has included the additional teachings of the Briggs ('197), Briggs ('048) and Tillery et al references to teach the amended claim features, which Applicant argues for patentability.


***USPTO Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday through Friday (off-day is every other Friday) 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. Unofficial faxes should be sent to 703-746-3244. Official faxes should be sent to 703-305-3579.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.

  
cdw

  
S. THOMAS HUGHES  
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